

Minutes Tempe Police Public Safety Personnel Retirement System Board Meeting February 1, 2018

Minutes of the Tempe Police Safety Personnel Retirement System (PSPRS) Board meeting, held on Thursday, February 1, 2018, 2:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Steven Methvin
Rob Ferraro (via telephone)
James Foley
Bill Goodman (2:08 p.m.)
Alex Moreno

Board Members Absent:

None

City Staff Present:

Renie Broderick, Internal Services Director
Wendy Messina, HR Analyst
Chris Hansen, Risk Manager
Susan Buck, Executive Assistant

Legal Counsel Present:

Cynthia Kelley

Chair Steven Methvin called the meeting to order at 2:02 p.m.

ITEM I – Consideration of Meeting Minutes:

Motion by James Foley to approve the January 4, 2018 Board Meeting Minutes; second by Alex Moreno. Motion passed on a voice vote 4-0.

ITEM II – Public Appearances:

There were no public appearances.

ITEM III – Motion to Adjourn to Executive Session:

There was no Executive Session.

ITEM IV – New Member:

Motion by Alex Moreno to approve the new member application of Karl B. Kresin; second by James Foley. Motion passed on a voice vote 4-0.

ITEM V – Application to Enter the Deferred Retirement Option Plan (DROP) Program:

Wendy Messina, HR Analyst, explained why Michael S. Evans would enter DROP and then retire the following month (see Item VI). The Board generally discussed entering DROP then immediately retiring. Motion by Alex Moreno to approve the application to enter DROP by **Michael S. Evans, Andrew McCormick, Robert M. Mitchell, Dennis P. Page and Mark Regester**; second by James Foley. Motion passed on a voice vote 4-0.

ITEM VI – Retirement Application:

Motion by Alex Moreno to approve the application to retire from DROP of **Michael S. Evans**, retirement date of February 3, 2018; second by James Foley. Motion passed on a voice vote 4-0.

ITEM VII – Status Update on the Application for Accidental Disability Benefits by Matthew G. Murray:

Wendy Messina, HR Analyst, stated that she expects to receive the Independent Medical Exam (IME) report next week and will place it on the March 1, 2018 meeting agenda for the Board's review. Bill Goodman joined the meeting at 2:08 p.m.

ITEM VIII – Initial Hearing on the Application for Accidental Disability Benefits by David Lopez:

Chair Methvin stated that the Board must determine whether the medical and other documentation submitted by David Lopez is sufficient to conclude that the statutory pre-requisites are satisfied.

Local Board Secretary Renie Broderick noted for the Board's information that the accident occurred when Mr. Lopez was on the way into work on his personal motorcycle; also, the supplemental medical information sent to the Board earlier in the week was from a private physician that Mr. Lopez was referred to by his attorney; and at this point Mr. Lopez has been released back to work full duty under the Worker's Compensation claim.

Board Legal Counsel Cynthia Kelley stated that under PSPRS, members are not covered for disability if they are injured going to and from work unless they are clocked in; if Mr. Lopez was not on duty, he would not be eligible for accidental disability under state statutes. The Board generally discussed travel to and from work and the differences in coverage between Worker's Compensation and PSPRS. The Board also generally discussed ordinary disability applications vs. normal retirement.

Boardmember Rob Ferraro asked for any case law pertaining to similar accidental disability applications. Ms. Kelley stated that there is no case law; the applications are just denied.

The Board generally discussed the process for motorcycle officers to "clock-in" from home and the meaning of "on-duty". Boardmember Alex Moreno noted that Mr. Lopez was in Patrol and was not a motorcycle officer and was on his way to work on his personal motorcycle. The Board discussed the possible motions available on this claim.

Motion by Bill Goodman to deny the application for Accidental Disability Benefits of David Lopez because he is not eligible for accidental disability benefits based on the Arizona statutes due to the circumstances; second by James Foley. Motion passed on a voice vote 5-0.

Chair Methvin read the following questions from the PSPRS form P5-LB-A and the Board verbally answered them for the record:

1. Did the employee file the application after the disabling incident, or within one year of ceasing to be an employee? **YES**
2. Did (or will) the employee terminate by reason of a disability? **NO**
3. Did employment terminate based on a disciplinary issue? **NO**
4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by a reason of disability? **NO**
5. Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties position? **YES**
6. Has the employee refused a position within their job classification that the Local Board considered a reasonable range of duties? **NO**
7. Did the injury or condition occur prior to the current PSPRS membership date? **NO**
8. Was the injury or condition the result of an event incurred during the performance of the employee's duty? **NO**

There was no further discussion on this item.

ITEM IX – Future Meeting Date:

March 1, 2018

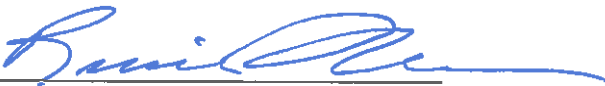
ITEM X –Future Agenda Items:

Ms. Broderick stated that staff just received notification from the State Administrator's Office that all of the return to work items approved by the Board at the January meeting are acceptable. Copies of the letters will be provided to the Board at the March meeting.

At the request of Chair Methvin, Ms. Broderick also noted that the header for the Board agendas has been revised to include wording that indicates the Board will possibly take legal action on any matter listed on the agenda.

Adjournment

Motion to adjourn by James Foley; second by Bill Goodman. Motion passed on a voice vote 5-0. The meeting adjourned at 2:23 p.m.



Renie Broderick
Local Board Secretary